

CTJ/RMT

NOV 28 2007

CLERK, U.S. DISTRICT COURT

By _____

Deputy _____

Civil Action No.: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

=====

IN RE

4:07-mc-00033-A

RUSSELL JAY REGER,

Petitioner, Pro Se.

=====

ON ORIGINAL VERIFIED PETITION
TO PERPETUATE AND PRESERVE
TESTIMONY UNDER
FED. R. CIV. P., RULE 27(a) AND (c)

=====

PETITIONER REGER'S EXHIBIT SECTION IN SUPPORT OF
VERIFIED PETITION TO PERPETUATE AND PRESERVE TESTIMONY
UNDER FED. R. CIV. P., RULE 27(a) AND (c)

=====

rjr

Petitioner, Pro Se.
Russell Jay Reger #747783
French M. Robertson Unit.
12071 FM 3522
Abilene, Texas 79601-8749
(325)548-9035

TAKE JUDICIAL NOTICE (FED. R. EVID. 201(d))

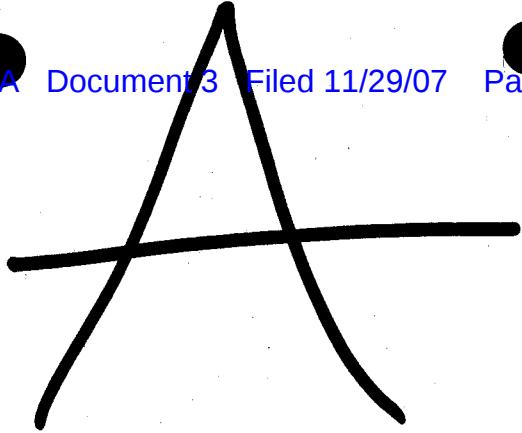
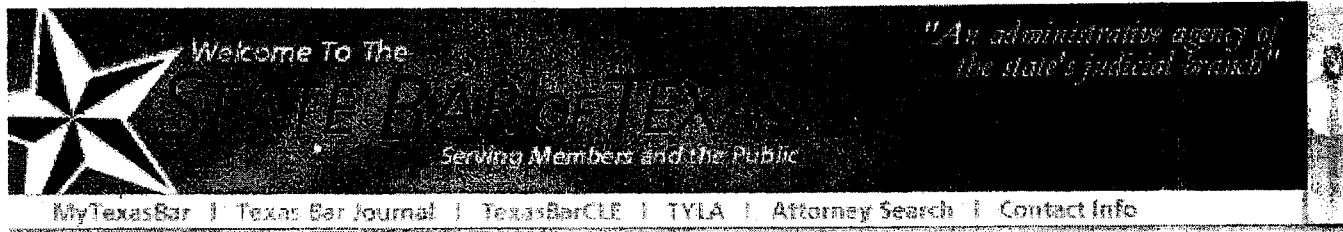


EXHIBIT "A"


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WALKER, JAMES K.

BarCard # 20708000

Contact Information

Company			
Business Address			
	218 SANDALWOOD LN		
Business Phone	LEVELLAND	TX	79336-6816
(806) 894-9036			

Current Member Status

Texas License Date	9/12/1960
Current Status	Eligible to Practice in Texas

Public Discipline History, if Any

Discipline History	Click Here For Discipline History Detail
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Discipline History Detail

Last Discipline Date	None On File
History Detail	This Attorney's status record indicates no prior disciplinary actions. For additional detail or certification of this information you must contact the State Bar of Texas Office of the Chief Disciplinary Counsel at (877)953-5535

Mrs. Pamela K. Hand
1027 W. Pioneer Pkwy. #E
Arlington, Texas 76013

May 27, 2004

TEXAS SECRETARY OF STATE
Executive Division
Attn: Acting General Counsel
Capitol Bldg., IE.8
P.O. Box 12697, Capitol Station
Austin, Texas 78711-2697

RE: Information on FORMER / RETIRED / SENIOR - Visiting Judges
Tex. R. Jud. Admin., Rule 12 [REQUEST]

Dear General Counsel,

In my continued research under U.S. Constitution article VI, Clause 3; Texas Constitution article XVI, §1(c), (d), (f)(Vernon 1989, Supp. 1993); and 1 Texas Administrative Code §73.71(Vernon 1983), I've since found that each mandates that [all] elected and/or appointed judicial officers of this State [shall] TAKE, and FILE executed ("Anti-bribery Oath / Affirmation") and ("Oath / Affirmation of Office") with (each) new term of appointment / assignment and/or office held. After such is complied with, 1 T.A.C. §73.71 explicitly requires:

"[A] commission will be issued and forwarded to an appointed or elected state officer following receipt of an executed oath of office."

Id. 1 TX ADC §73.71, effective 8 Tex. Reg. 3183. Nowhere within 1 T.A.C. §73.71, does it state anywhere that it "does not apply to Former / Retired / Senior Visiting Judges in this State."

Texas Government Codes §§74.054; 74.055; 74.0551; 74.056 and 75.001 allow "Former / Retired / Senior Visiting Judges" to elect to continue "appointment / assignments" on benches all around Texas. My question to you under this matter is:

- (A) Does this mean that their "term" of appointment / assignment would begin, and end every two years when they re-elected to serve under Tex. Gov't Code §74.0551?
- (B) Do those judges "terms" not exceed two years under Tex. Constitution art. XVI, §30(a)?
- (C) If their "terms" were every two years, would that mean that the Judge would have to [re]take and [re]file Oath[s] under Tex. Const. art. XVI, (c), (d) and (f)?

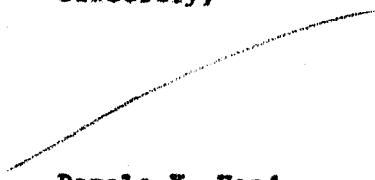
(D) If that is so, then why wouldn't the Secretary of State not re-issue a commission to those judges under 1 T.A.C. §73.71 so that they would know that they had the authority to act as a Judge?

(E) If the Secretary of State does not issue commissions to such visiting (special) judges, then who would?

These questions are my main areas of concern; because Tex. Const. art. XVI, §1 must be executed with each new term. Tex. Gov't Code §74.0551 must be executed every two (2) years, (making a "term" limit) and mandating when a new statement of appointed officer must be re-filed. A commission issues only when the Constitutional mandates have been followed, as per 1 T.A.C. §73.71. Yet, I can not find anywhere, where the oath of office is not supposed to be filed with the Secretary of State, by one whom participates in the assigned judge program of this State. Neither have I found where the Secretary of State is not supposed to issue commissions to Former / Retired / Senior Visiting Officers, pursuant to 1 T.A.C. §73.71.

Please provide me with answers to my above-listed questions, along with any Texas Attorney General Opinions; Legislature mandates and/or administrative memorandum requiring that the Secretary of State treat appointed / assigned judicial officers differently, from those elected. Thank you for your time and consideration in this request, and I await your timely reply, under Tex. R. Jud. Admin., Rule 12.6(b). If you are not the custodian of my requested records above, please ascertain whom that custodian would be, and forward this request on to them, after giving me notice, under Rule 12.6(f).

Sincerely,


Pamela K. Hand

cc: PKH/file
TEXAS JUDGE WATCH

The State of Texas

Business and Public Filings Division
P.O. Box 13697
Austin, Texas 78711-3697



Phone: 512-463-5586
Fax: 512-463-5709
TTY: 7-1-1
www.sos.state.tx.us

Geoffrey S. Connor
Secretary of State

June 9, 2004

Mrs. Pamela K. Hand
1027 W. Pioneer Pkwy., #E
Arlington, TX 76013

RE: Request for copies of Documents Pertaining to Judge James K. Walker

Dear Mrs. Hand:

Enclosed please find copies of documents that are provided in response to the above-captioned request from you, dated May 27, 2004. Also enclosed is an invoice regarding the charges for such copies. A review of the records of the Office of the Secretary of State ("SOS") reveals that James K. Walker filed the following documents with the SOS:

1. An "Oath of Office," dated February 24, 1984, for the office of District Judge, 286th Judicial District.
2. An "Oath of Office," dated December 6, 1984, for the office of Judge, 286th District Court.
3. An "Oath of Office," dated February 5, 1987, for the office of Judge of the 286th Judicial District.

Your May 27, 2004 request also asked that the SOS furnish copies of commissions issued pursuant to any oaths of office filed with the SOS. This office is unable to comply with such request because the SOS does not retain copies of commissions that are issued. However, a copy of the letter from Governor Mark White, dated February 24, 1984, appointing James K. Walker to the above-referenced 286th District Court is enclosed.

Sincerely,

Lorna Wassdorf

Lorna Wassdorf
Director, Business & Public Filings

Enclosures

cc: Benjamin M. Hanson
General Counsel



MARK WHITE
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711

February 24, 1984

The Honorable John W. Fainter, Jr.
Secretary of State
Capitol Building
Austin, Texas 78701

Dear Mr. Secretary:

Please be advised that I am making the following appointment TO BE JUDGE OF THE 286TH JUDICIAL DISTRICT, COCKRAN AND HOCKLEY COUNTIES, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

JAMES K. WALKER
109 A Washington
Morton, Texas 79346

(Mr. Walker is replacing The Honorable Frank B. Riser, Jr. of Levelland, Hockley County, Texas, who is deceased.)

Please issue a commission to this appointee as soon as he has qualified.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark White".

Mark White
Governor of Texas

The State of Texas

OATH OF OFFICE

I, James K. Walker, do solemnly
swear (or affirm), that I will faithfully execute the duties of the office of District Judge, 286th Judicial District

of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God.

James K. Walker
JAMES K. WALKER

SWORN TO and Subscribed before me by James K. Walker
on this 24th day of February, 1984.

(Seal)

M. C. Ledbetter
M. C. LEDBETTER
DISTRICT JUDGE RETIRED

Notary Printed Name

Commission Expiration Date

The State of Texas

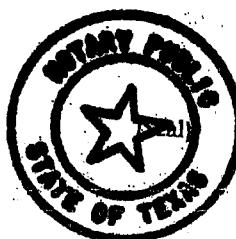
OATH OF OFFICE

I, James K. Walker, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Judge, 286th District Court

of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.

James K. Walker

SWORN TO and Subscribed before me by James K. Walker
on this 6 day of December, 1988



Robert H. George

Notary Public, State of Texas

ROBERT H. GEORGE
Notary Printed Name

9-30-88

Commission Expiration Date

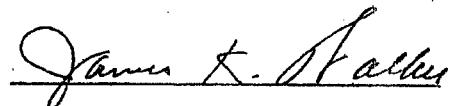
unexpired

The State of Texas

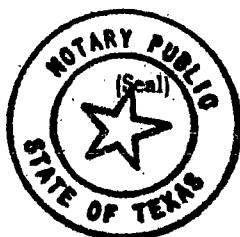
OATH OF OFFICE

I, James K. Walker, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Judge of the 286th Judicial District

of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.



SWORN TO and Subscribed before me by James K. Walker
on this 5th day of January, 19 87.



Stacy R. Hurst
Notary Public, State of Texas
Stacy R. Hurst
Notary Printed Name
2/11/87
Commission Expiration Date

12-31-90

EXHIBIT "B"

AFFIDAVIT TO SERVE ON JUDICIAL ASSIGNMENT

I, JAMES K. WALKER, desire my name to be included on the list of the Presiding Judge of the ~~8th~~ Administrative Judicial Region of retired and former judges subject to assignment pursuant to Sections 74.054 - 74.056, Texas Government Code.

For that purpose, and to comply with the provisions of Sec. 74.055(c)(4), I swear (or affirm) that I meet the following requirements of Section 74.055, Texas Government Code:

(1) I have served as a judge for at least 48 months in a district, statutory county or appellate court, to wit: 84 months of service on the 286th (court) of DISTRICT (district or county)

(2) I have developed substantial experience in the following area(s) of specialty:

Criminal, Civil Domestic Relations
(criminal, civil and/or domestic relations)

(3) I have not been removed from office.

(4) I did not resign from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 83.022 of the Texas Government Code and before the final disposition of the proceedings.

(5) I understand that I must annually demonstrate that I have completed in the preceding calendar year the educational requirements for active district and statutory

county court judges, to wit, at least 16 hours of instruction in substantive, procedural and evidentiary laws and court administration, as provided by the Rules of Judicial Education of the Supreme Court of Texas.

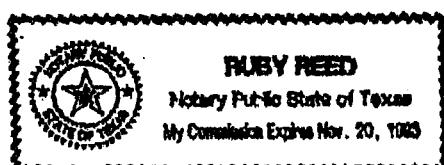
(6) I certify my willingness not to appear and plead as an attorney in any court in this state for the period of time ending December 31, 1991*

(7) I understand that unless I file a revocation as provided by Section 75.0551, Texas Government Code, my certification under (6) above is renewed for subsequent two-year periods by operation of law.

Jane K. Fraley
(signature of affiant)

SWORN TO and subscribed to before me this 19th day of September, 1991.

Ruby Reed
(Notary Public in and for the State of Texas)
My Commission Expires 11-20-93



* An initial certification of willingness not to appear and plead must be made not later than the 90th day after leaving judicial service. An initial certification made before the judge leaves office must extend through December 31 of the year following the year in which the judge leaves active service. An initial certification made after the judge leaves active service must extend through December 31 of the year following the year in which certification is made.
-- Section 74.0551(b), Gov. Code.

The transition provisions of S. B. 1564, 71st Leg. (1989) provide that an initial certification filed before January 1, 1990 expires December 31, 1991.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
HARRIET O'NEILL
WALLACE B. JEFFERSON
MICHAEL H. SCHNEIDER
STEVEN WAYNE SMITH
DALE WAINWRIGHT

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312
FAX: (512) 463-1365

CLERK
ANDREW WEBER
EXECUTIVE ASSISTANT
WILLIAM L. WILLIS
DEPUTY EXECUTIVE ASSISTANT
JIM HUTCHESON
ADMINISTRATIVE ASSISTANT
NADINE SCHNEIDER
PUBLIC INFORMATION OFFICER
OSLER McCARTHY

August 13, 2003

Mrs. Gaye N. Garner
5302 Guava Drive
Harlingen, Texas 78552

Dear Mrs. Garner:

Your letter to the Chief Justice has been given to me for response.

I am sending you copies of the only documents this Court has on file concerning Judge James K. Walker. This is the only document we normally have on former or retired district judges sitting on assignment. You may contact the office of the Regional Presiding Judge of the 9th Administrative Judicial Region, which may have additional documentation. The address is 500 West Main, Room 204W, Brownfield, Texas 79316. The telephone is 806/637-8918.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Willis".

William L. Willis
Executive Assistant

JAMES K. WALKER

**Former Judge 286th District Court
218 Sandalwood
Levelland, Texas 79336
Phone 806-894-9036
February 4, 1996**

Honorable Thomas R. Phillips
Chief Justice, Supreme Court of Texas
Supreme Court Building
Austin, Texas 78711

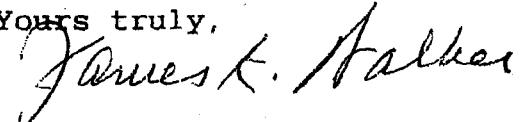
Dear Chief Justice Phillips:

Pleas be advised that I retired as a District Judge on the 31st day of January.

I hereby elect to continue to serve as a judicial officer of the State of Texas under the provision of Article 75.001 of the Texas Government Code.

I look forward to continuing to serve our State as a judicial officer whenever called upon to do so.

Yours truly,



James K. Walker

cc: Hon. Ray D. Anderson
Presiding Judge
9th Administrative Region
Terry County Courthouse
Brownfield, Texas 79316



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711
TEL: (512) 463-1312
FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER

February 8, 1996

The Honorable James K. Walker
218 Sandlewood
Levelland, Texas 79336

Dear Judge Walker:

This is to acknowledge receipt of your letter dated February 4, 1996, in which you advise that you become a retired judge effective January 31, 1996, and that you elect pursuant to Texas Government Code § 75.001 to be a judicial officer subject to assignment.

We appreciate your service to the people of Texas on the bench of the 286th District Court, in sitting on assignment as a former judge, and your willingness to continue that service by sitting on assignment as a retired judge.

Sincerely,

Thomas R. Phillips
Thomas R. Phillips
Chief Justice

cc: Hon. Ray D. Anderson
Comptroller's Claims Div.
Retirement System



The Supreme Court of Texas

CHIEF JUSTICE
THOMAS R. PHILLIPS

JUSTICES
NATHAN L. HECHT
PRISCILLA R. OWEN
HARRIET O'NEILL
WALLACE B. JEFFERSON
MICHAEL H. SCHNEIDER
STEVEN WAYNE SMITH
DALE WAINWRIGHT
SCOTT BRISTER

201 West 14th Street Post Office Box 12248 Austin TX 78711
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK
ANDREW WEBER

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

ADMIN. ASSISTANT
NADINE SCHNEIDER

May 12, 2004

Ms. Wyona Ard
603 S. Parkway Drive, Apt. 39
Alvarado, Texas 76009-5523

Dear Ms. Ard:

I enclose a copy of Judge James K. Walker's letter of February 4, 1996, advising of his election under Texas Government Code § 75.001, and a copy of Chief Justice Phillips' letter dated February 8, 1996, acknowledging receipt of that letter. These are the only documents we have.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Willis".

William L. Willis
Executive Assistant



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

February 8, 1996

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

The Honorable James K. Walker
218 Sandlewood
Levelland, Texas 79336

Dear Judge Walker:

This is to acknowledge receipt of your letter dated February 4, 1996, in which you advise that you become a retired judge effective January 31, 1996, and that you elect pursuant to Texas Government Code § 75.001 to be a judicial officer subject to assignment.

We appreciate your service to the people of Texas on the bench of the 286th District Court, in sitting on assignment as a former judge, and your willingness to continue that service by sitting on assignment as a retired judge.

Sincerely,

A handwritten signature in black ink that reads "Thomas R. Phillips".

Thomas R. Phillips
Chief Justice

cc: Hon. Ray D. Anderson
Comptroller's Claims Div.
Retirement System

JAMES K. WALKER

Former Judge 286th District Court
218 Sandalwood
Levelland, Texas 79336
Phone 806-894-9036
February 4, 1996

Honorable Thomas R. Phillips
Chief Justice, Supreme Court of Texas
Supreme Court Building
Austin, Texas 78711

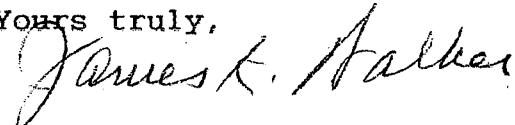
Dear Chief Justice Phillips:

Pleas be advised that I retired as a District Judge on the 31st day of January.

I hereby elect to continue to serve as a judicial officer of the State of Texas under the provision of Article 75.001 of the Texas Government Code.

I look forward to continuing to serve our State as a judicial officer whenever called upon to do so.

Yours truly,



James K. Walker

cc: Hon. Ray D. Anderson
Presiding Judge
9th Administrative Region
Terry County Courthouse
Brownfield, Texas 79316

AFFIDAVIT TO SERVE ON JUDICIAL ASSIGNMENT

I, James K. Walker, desire my name to be included on the list of the Presiding Judge of the 9th Administrative Judicial Region of retired and former judges subject to assignment pursuant to Sections 74.054 - 74.056, Texas Government Code.

For that purpose, and to comply with the provisions of Sec. 74.055(c)(4), I swear (or affirm) that I meet the following requirements of Section 74.055, Texas Government Code:

- (1) I have served as a judge for at least 48 months in a district, statutory county or appellate court, to wit: 144 months of service on the 6 yrs 11 mos 286th of District Court + 5 yrs 2 mos as a visiting judge.
(district or county)
- (2) I have developed substantial experience in the following area(s) of specialty:
Criminal, Civil + domestic relations.
(criminal, civil and /or domestic relations)
- (3) I have not been removed from office.
- (4) I did not resign from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 of the Texas Government Code and before the final disposition of the proceedings.
- (5) I understand that I must annually demonstrate that I have completed in the preceding calendar year the educational requirements for active district and statutory